



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

January 30, 2023

**By ECF**

The Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Ford, et al.*, No. 19 Civ. 9600 (PMH) (JCM)

Dear Judge Halpern:

This Office represents the Government in the above-referenced Clean Water Act matter. We write respectfully, with defendants' consent, to request a brief extension of expert discovery deadlines from January 31, 2023, to **March 10, 2023**, with an interim deadline to exchange Federal Rule of Civil Procedure 26(a)(2)(B) expert disclosures of **February 10, 2023**, such that the parties can exchange expert materials and depose one another's experts. This request for extension does not otherwise impact the Court's current schedule for this matter, thus we further ask that the Court maintain the current March 21, 2023 Case Management Conference, so that resolution of this matter is not delayed.

As background, the parties completed fact discovery on January 26, 2023. Since the Court last extended discovery, the parties have been planning to exchange expert disclosures simultaneously. However, although the Government's expert disclosures have been ready for production since the beginning of 2023, we have been unable to confirm a date for simultaneous disclosure with defendants. We have now been informed that defendants' expert disclosures will not be ready within current discovery deadlines. The defendants advise they are currently working to complete their expert report now that fact discovery has been completed (which discovery is relied upon by their experts). We accordingly ask for this brief expert discovery extension to facilitate defendants' completion of their expert disclosures, to set a date certain by which defendants must do so, and to prevent prejudice to the Government that would result from non-simultaneous disclosure, were the Government to produce its disclosures by the current January 31, 2023 discovery deadline.

We thank the Court for its consideration of this request.

Application denied. The Court advised in its October 18, 2022 Order that "[n]o further extensions" of discovery deadlines would be granted.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 96.

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
January 30, 2023

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Zachary Bannon

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